

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 589

Introduced by Senator Harman

(Coauthor: Senator Aanestad)

(Coauthors: Assembly Members Bill Berryhill, DeVore, and Silva)

February 27, 2009

An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Sections ~~711.1, 711.5,~~ *711.1* and 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Harman. Game hunting.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law requires the Department of Fish and Game to operate wildlife management areas on a nonprofit basis for multiple recreational uses. Existing law authorizes the department to issue an annual wildlife area pass or a day use pass that authorizes the bearer to enter and use facilities and programs on designated department-managed lands. Existing law grants authority to the Fish and Game Commission to issue tags and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund.

~~This bill would establish the Wildlife Management Areas Hunting Programs Account within the fund to permit separate accountability for~~

~~the receipt and, subject to appropriation, the prescribed expenditure of revenues from wildlife management area use.~~

~~The~~

~~This bill would establish the Upland Game Bird Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from upland game bird validations and stamps.~~

~~The bill would establish the Big Game *Management* Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags.~~

~~The bill would exempt projects funded from the accounts from the State Contract Act and from statutory provisions relating to the Disabled Veteran Business Enterprise Program.~~

~~The bill would make various conforming changes relating to the establishment of the accounts.~~

~~The bill would require the department, as part of its annual budget proposal for the 2010–11 fiscal year that is subject to legislative approval as part of the annual Budget Act, to include adequate funding, as determined by the department, to begin the process of developing plans to implement the strategies in the California Comprehensive Wildlife Action Plan. The bill would require the department, prior to implementing those strategies, to create an implementation committee to advise and assist the department in implementing the plan.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 331 of the Fish and Game Code is
- 2 amended to read:
- 3 331. (a) The commission may determine and fix the area or
- 4 areas, the seasons and hours, the bag and possession limit, and the
- 5 sex and total number of antelope (*Antilocapra americana*) that may
- 6 be taken under regulations that the commission may adopt from
- 7 time to time. Only a person possessing a valid hunting license,
- 8 who has not received an antelope tag under these provisions during
- 9 a period of time specified by the commission, may obtain a tag for
- 10 the taking of antelope.

(b) The department may issue a tag upon payment of a fee. The fee for a tag shall be fifty-five dollars (\$55) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than a fee of three hundred fifty dollars (\$350), as adjusted under Section 713. The fee shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended, in addition to moneys budgeted for salaries of persons in the department, for the expense of implementing this section.

(c) The commission shall direct the department to annually authorize not less than one antelope tag or more than 1 percent of the total number of tags available for the purpose of raising funds for programs and projects to benefit antelope. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (b). All revenues from sales pursuant to this subdivision shall be deposited in the Big Game Management Account established in Section 3953.

(d) The commission shall direct the department to annually authorize one antelope tag of the total number of tags available for issuance to nonresidents of the state.

SEC. 2. Section 332 of the Fish and Game Code is amended to read:

332. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations that the commission may adopt from time to time. The commission may authorize the taking of tule elk if the average of the department's statewide tule elk population estimates exceeds 2,000 animals, or the Legislature determines, pursuant to the reports required by Section 3951, that suitable areas cannot be found in the state to accommodate that population in a healthy condition.

(b) Only a person possessing a valid hunting license may obtain a tag for the taking of elk.

(c) The department may issue an elk tag upon payment of a fee. The fee for a tag shall be one hundred sixty-five dollars (\$165) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than one thousand fifty dollars

1 (\$1,050), as adjusted under Section 713. The fees shall be deposited
2 in the Big Game Management Account established in Section 3953
3 and, upon appropriation by the Legislature, shall be expended, in
4 addition to moneys budgeted for salaries of the department, for
5 the expenses of implementing this section and Section 3951.

6 (d) The commission shall annually direct the department to
7 authorize not more than three elk hunting tags for the purpose of
8 raising funds for programs and projects to benefit elk. These tags
9 may be sold at auction to residents or nonresidents of the state or
10 by another method and are not subject to the fee limitation
11 prescribed in subdivision (c). All revenues from sales pursuant to
12 this subdivision shall be deposited in the Big Game Management
13 Account established in Section 3953.

14 (e) The commission shall direct the department to annually
15 authorize one elk tag of the total number of tags available for
16 issuance to nonresidents of the state.

17 SEC. 3. Section 711.1 is added to the Fish and Game Code, to
18 read:

19 711.1. The department shall annually maintain on its Internet
20 Web site, and include in the annual State Budget submitted by the
21 Governor, a fund condition statement that displays information on
22 the condition of revenues and expenditures both for dedicated and
23 nondedicated revenue sources.

24 ~~SEC. 4. Section 711.5 is added to the Fish and Game Code, to~~
25 ~~read:~~

26 ~~711.5. (a) The Legislature finds and declares all of the~~
27 ~~following:~~

28 ~~(1) In 2000, the United States Congress enacted the State~~
29 ~~Wildlife Grants Program to support state programs that broadly~~
30 ~~benefit wildlife and habitats, particularly species having the greatest~~
31 ~~need for conservation that are not protected under the federal~~
32 ~~Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).~~

33 ~~(2) As a requirement of receiving federal funding under this~~
34 ~~program, the department agreed to submit a comprehensive wildlife~~
35 ~~conservation strategy to the United States Fish and Wildlife~~
36 ~~Service.~~

37 ~~(3) Congress intended that the wildlife conservation strategies~~
38 ~~developed by state fish and wildlife agencies guide future nongame~~
39 ~~wildlife conservation actions by these state agencies and~~
40 ~~conservation actions taken by others on behalf of nongame species.~~

1 ~~(4) Congress directed state fish and wildlife agencies to develop~~
2 ~~wildlife conservation strategies, provide a process for reviewing~~
3 ~~and updating these strategies at intervals not to exceed 10 years,~~
4 ~~and develop plans for implementing these strategies.~~

5 ~~(5) Congress has affirmed that broad public participation is an~~
6 ~~essential element of developing and implementing these strategies.~~

7 ~~(6) The department faces increasing responsibilities to conserve~~
8 ~~nongame wildlife with limited resources.~~

9 ~~(7) In 2006, the department submitted its comprehensive wildlife~~
10 ~~conservation strategy, the California Comprehensive Wildlife~~
11 ~~Action Plan, to the United States Fish and Wildlife Service.~~

12 ~~(8) The California Comprehensive Wildlife Action Plan includes~~
13 ~~a detailed review of the status of California's nongame wildlife~~
14 ~~populations and the conservation actions that are recommended~~
15 ~~to protect and conserve these species.~~

16 ~~(9) The California Comprehensive Wildlife Action Plan provides~~
17 ~~the department with the opportunity to identify, assess, and~~
18 ~~prioritize its nongame wildlife conservation needs and actions for~~
19 ~~the future.~~

20 ~~(b) The department, as part of its annual budget proposal for~~
21 ~~the 2010-11 fiscal year that is subject to approval by the~~
22 ~~Legislature as part of the annual Budget Act, shall include adequate~~
23 ~~funding, as determined by the department, to begin the process of~~
24 ~~developing plans to implement the strategies in the California~~
25 ~~Comprehensive Wildlife Action Plan.~~

26 ~~(c) Prior to implementing those strategies, the department shall~~
27 ~~create an implementation committee to advise and assist the~~
28 ~~department in implementing the plan, including, but not limited~~
29 ~~to, prioritizing the conservation actions identified in the plan,~~
30 ~~reviewing and updating the conservation goals and actions, and~~
31 ~~identifying potential funding options to implement the plan. The~~
32 ~~implementation committee shall be comprised of a balanced group~~
33 ~~of stakeholders who have an interest in nongame conservation,~~
34 ~~and shall consist of representatives from the department, other~~
35 ~~state agencies, local government, federal agencies,~~
36 ~~nongovernmental conservation organizations, landowners,~~
37 ~~agriculture, recreation, scientific entities, industry, and other~~
38 ~~interested parties. To the extent feasible, the department shall work~~
39 ~~with existing collaborative efforts, including, but not limited to, a~~

1 joint venture formed pursuant to the United States Fish and Wildlife
2 Service Director's Order No. 146.

3 ~~SEC. 5.~~

4 *SEC. 4.* Section 1528 of the Fish and Game Code is amended
5 to read:

6 1528. (a) Lands, or lands and water, acquired for public
7 shooting grounds, state marine (estuarine) recreational management
8 areas, or wildlife management areas shall be operated on a
9 nonprofit basis by the department. Multiple recreational use of
10 wildlife management areas is desirable and that use shall be
11 encouraged by the commission.

12 (b) Except for hunting and fishing purposes, only minimum
13 facilities to permit other forms of multiple recreational use, such
14 as camping, picnicking, boating, or swimming, shall be provided.
15 Except as provided in Section 1765, and to defray the costs
16 associated with multiple use, the commission may determine and
17 fix the amount of, and the department shall collect, fees for any
18 use privileges. However, tours by organized youth and school
19 groups are exempt from the payment of those fees.

20 (c) Only persons holding valid hunting licenses may apply for
21 or obtain shooting permits for public shooting grounds, state marine
22 (estuarine) recreational management areas, or wildlife management
23 areas.

24 ~~(d) All fees collected from the public for the use of~~
25 ~~department-owned or operated lands for hunting purposes,~~
26 ~~including, but not limited to, fees collected through the sale of day~~
27 ~~use and annual passes provided in Section 1765 and any reservation~~
28 ~~application revenues, shall be deposited in the Wildlife~~
29 ~~Management Areas Hunting Programs Account, which is hereby~~
30 ~~established within the Fish and Game Preservation Fund to permit~~
31 ~~separate accountability for the receipt and expenditure of these~~
32 ~~funds.~~

33 ~~(e) Funds deposited in the Wildlife Management Areas Hunting~~
34 ~~Programs Account shall be available upon appropriation by the~~
35 ~~Legislature to the department. These funds shall be used solely for~~
36 ~~public hunting, habitat enhancement, wildlife conservation, and~~
37 ~~related administrative and enforcement purposes on~~
38 ~~department-owned or operated lands, that include, but are not~~
39 ~~necessarily limited to, a public hunting program. The department~~
40 ~~may also use these funds to enter into contracts or to award grants~~

1 to reimburse, upon completion of the projects, nonprofit
2 organizations described in Section 501(c)(3) of the Internal
3 Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related conservation
4 projects. The department may also use funds from the Wildlife
5 Management Areas Hunting Programs Account to pay for
6 administrative and enforcement costs of the programs and activities
7 described in this section. The amount allocated from the account
8 for administrative costs shall be limited to the reasonable costs
9 associated with direct administration of the programs and activities
10 described in this section.

11 (f) The department may make grants or enter into contracts with
12 nonprofit organizations for the use of the funds from the Wildlife
13 Management Areas Hunting Programs Account when it finds that
14 the contracts are necessary for carrying out the purposes of
15 subdivision (e).

16 (g) A subcommittee of the commission that includes interested
17 nonprofit organizations that have goals and objectives directly
18 related to the management and conservation of waterfowl and
19 upland game bird species and primarily represent the interests of
20 persons licensed pursuant to Section 3031 shall review and provide
21 comments to the department on all proposed projects funded from
22 the Wildlife Management Areas Hunting Programs Account to
23 help ensure that the requirements of this section have been met.
24 The department shall post budget information and a brief
25 description on its Internet Web site for all projects funded from
26 the Wildlife Management Areas Hunting Programs Account.

27 (h) Projects authorized pursuant to this section are not subject
28 to Part 2 (commencing with Section 10100) of Division 2 of the
29 Public Contract Code or Article 6 (commencing with Section 999)
30 of Chapter 6 of Division 4 of the Military and Veterans Code.

31 (i) The department shall maintain the internal accountability
32 necessary to ensure compliance with the collection, deposit, and
33 expenditure of revenues as specified in this section.

34 ~~SEC. 6.~~

35 ~~SEC. 5.~~ Section 3684 of the Fish and Game Code is repealed.

36 ~~SEC. 7.~~

37 ~~SEC. 6.~~ Section 3684 is added to the Fish and Game Code, to
38 read:

39 3684. (a) The Upland Game Bird Account is hereby established
40 within the Fish and Game Preservation Fund.

1 (b) All funds derived from the sale of upland game bird hunting
2 validations and upland game bird stamps shall be deposited in the
3 Upland Game Bird Account to permit separate accountability for
4 the receipt and expenditure of these funds.

5 (c) Funds deposited in the Upland Game Bird Account shall be
6 available for expenditure upon appropriation by the Legislature to
7 the department. These funds shall be expended solely for the
8 purpose of acquiring land, completing projects and implementing
9 programs to benefit the upland game bird species, and for related
10 public hunting opportunities and related public outreach. The
11 department may also use these funds to enter into contracts or to
12 award grants to reimburse, upon completion of the projects,
13 nonprofit organizations described in Section 501(c)(3) of the
14 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
15 habitat projects. Any land acquired with funds from the Upland
16 Game Bird Account shall be acquired in fee title or protected with
17 a conservation easement and, to the extent possible, be open or
18 provide access to the public for upland game bird hunting. The
19 department may also use funds from the Upland Game Bird
20 Account to pay for administrative and enforcement costs of the
21 programs and activities described in this section. The amount
22 allocated from the account for administrative costs shall be limited
23 to the reasonable costs associated with direct administration of the
24 programs and activities described in this section.

25 (d) ~~A subcommittee of the commission~~ *An advisory committee,*
26 *as determined by the department,* that includes interested nonprofit
27 organizations that have goals and objectives directly related to the
28 management and conservation of upland game bird species and
29 primarily represent the interests of persons licensed pursuant to
30 Section 3031 shall review and provide comments to the department
31 on all proposed projects funded from the Upland Game Bird
32 Account to help ensure that the requirements of this section have
33 been met. The department shall post budget information and a
34 brief description on its Internet Web site for all projects funded
35 from the Upland Game Bird Account.

36 (e) Upland game bird projects authorized pursuant to this section
37 are not subject to Part 2 (commencing with Section 10100) of
38 Division 2 of the Public Contract Code or Article 6 (commencing
39 with Section 999) of Chapter 6 of Division 4 of the Military and
40 Veterans Code.

(f) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

~~SEC. 8.~~

SEC. 7. Section 3685 of the Fish and Game Code is repealed.

~~SEC. 9.~~

SEC. 8. Section 3686 of the Fish and Game Code is amended to read:

3686. Projects authorized pursuant to Section 3684 shall be governed by Section 1501.5. With the approval of the entity in control of property affected by a project, the department may make grants to, or enter into contracts with, nonprofit organizations for the accomplishment of those projects, or the department may reimburse the controlling entity for its costs of accomplishing the project.

~~SEC. 10.~~

SEC. 9. Section 3953 is added to the Fish and Game Code, to read:

3953. (a) The Big Game Management Account is hereby established within the Fish and Game Preservation Fund.

(b) All revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds.

(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 331, 332, 3951, 3952, 4332, 4334, and 4751, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, wild pigs, bear, and sheep, and expanding public hunting opportunities and related public outreach. The department may also use these funds to enter into contracts or to award grants to reimburse, upon completion of the projects, nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related conservation projects. Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or

1 protected with a conservation easement and, to the extent possible,
2 be open or provide access to the public for antelope, elk, deer, wild
3 pig, bear, or sheep hunting. The department may also use funds
4 from the Big Game Management Account to pay for administrative
5 and enforcement costs of the programs and activities described in
6 this section. The amount allocated from the account for
7 administrative costs shall be limited to the reasonable costs
8 associated with direct administration of the programs and activities
9 described in this section.

10 (d) The department may make grants or enter into contracts
11 with nonprofit organizations for the use of the funds from the Big
12 Game Management Account when it finds that the contracts are
13 necessary for carrying out the purposes of this article.

14 (e) ~~A subcommittee of the commission~~ *An advisory committee,*
15 *as determined by the department,* that includes interested nonprofit
16 organizations that have goals and objectives directly related to the
17 management and conservation of big game species and primarily
18 represent the interests of persons licensed pursuant to Section 3031
19 shall review and provide comments to the department on all
20 proposed projects funded from the Big Game Management Account
21 to help ensure that the requirements of this section have been met.
22 The department shall post budget information and a brief
23 description on an Internet Web site for all projects funded from
24 the Big Game Management Account.

25 (f) Big game projects authorized pursuant to this section are not
26 subject to Part 2 (commencing with Section 10100) of Division 2
27 of the Public Contract Code or Article 6 (commencing with Section
28 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

29 (g) The department shall maintain the internal accountability
30 necessary to ensure compliance with the collection, deposit, and
31 expenditure of funds specified in this section.

32 ~~SEC. 11.~~

33 *SEC. 10.* Section 4332 of the Fish and Game Code is amended
34 to read:

35 4332. (a) Any resident of this state, 12 years of age or over,
36 who possesses a valid hunting license, may procure one tag for
37 the taking of one deer by one person during the current license
38 year, upon payment of the base fee of ten dollars (\$10) for the
39 license year beginning July 1, 1986, and the base fee as adjusted
40 under Section 713 for subsequent license years.

1 (b) Any nonresident of this state, 12 years of age or over, who
2 possesses a valid hunting license, may procure one tag for the
3 taking of one deer by one person during the current license year,
4 upon payment of the base fee of one hundred dollars (\$100) for
5 the license year beginning July 1, 1986, and the base fee as adjusted
6 under Section 713 for subsequent license years.

7 (c) If provided in regulations adopted by the commission under
8 Section 200, any resident of this state, 12 years of age or over,
9 who possesses a deer tag may procure one additional deer tag for
10 the taking of one additional deer during the current license season,
11 upon payment of the base fee of twelve dollars and fifty cents
12 (\$12.50) for the license years beginning July 1, 1986, and the base
13 fee as adjusted under Section 713 for subsequent license years.

14 (d) If provided in regulations adopted by the commission under
15 Section 200, any nonresident of this state, 12 years of age or over,
16 who possesses a deer tag may procure one additional deer tag for
17 the taking of one additional deer during the current license season,
18 upon payment of the base fee of one hundred dollars (\$100) for
19 the license year beginning July 1, 1986, and the base fee as adjusted
20 under Section 713 for subsequent license years.

21 (e) All revenues pursuant to this section shall be deposited in
22 the Big Game Management Account established in Section 3953
23 and, upon appropriation by the Legislature, shall be expended for
24 deer conservation and management purposes.

25 ~~SEC. 12.~~

26 *SEC. 11.* Section 4334 of the Fish and Game Code is repealed.

27 ~~SEC. 13.~~

28 *SEC. 12.* Section 4334 is added to the Fish and Game Code,
29 to read:

30 4334. (a) The commission shall annually direct the department
31 to authorize, pursuant to Section 1054.8, the sale of not more than
32 10 deer tags for the purpose of raising funds for programs and
33 projects to benefit deer. All revenue from the sale of tags pursuant
34 to this section shall be deposited in the Big Game Management
35 Account established in Section 3953.

36 (b) These tags may be sold to residents or nonresidents of the
37 State of California at auction or by any other method and are not
38 subject to the fees prescribed by Section 4332.

39 (c) These funds shall augment, not supplant, any other funds
40 appropriated to the department for the preservation, restoration,

1 utilization, and management of deer. All revenues derived from
2 the sale of these tags shall be remitted to the department by the
3 seller.

4 ~~SEC. 14.~~

5 *SEC. 13.* Section 4656 of the Fish and Game Code is amended
6 to read:

7 4656. Revenues received pursuant to this chapter shall be
8 deposited in the Big Game Management Account established in
9 Section 3953. These funds shall be available for expenditure by
10 the department solely for wild pig management. The department
11 shall maintain all internal accounting measures necessary to ensure
12 that all restrictions on these funds are met.

13 ~~SEC. 15.~~

14 *SEC. 14.* Section 4751 of the Fish and Game Code is amended
15 to read:

16 4751. (a) Any resident of this state, 12 years of age or over,
17 who possesses a valid hunting license, may procure the number
18 of bear tags corresponding to the number of bear that may legally
19 be taken by one person during the current license year, upon
20 payment of a base fee of fifteen dollars (\$15), as adjusted under
21 Section 713, for each bear tag. Fee revenues pursuant to this
22 subdivision shall be deposited in the Big Game Management
23 Account established in Section 3953 and, upon appropriation by
24 the Legislature, shall be expended for bear conservation and
25 management purposes.

26 (b) Any nonresident of this state, 12 years of age or over, who
27 possesses a valid California hunting license, may procure the
28 number of bear tags corresponding to the number of bear that may
29 be legally taken by one person during the current license year upon
30 payment of the base fee of one hundred five dollars (\$105), as
31 adjusted under Section 713, for each bear tag. Fee revenues
32 pursuant to this subdivision shall be deposited in the Big Game
33 Management Account established in Section 3953 and, upon
34 appropriation by the Legislature, shall be expended for bear
35 conservation and management purposes.

36 ~~SEC. 16.~~

37 *SEC. 15.* Section 4902 of the Fish and Game Code is amended
38 to read:

1 4902. (a) The commission may adopt all regulations necessary
2 to provide for biologically sound management of Nelson bighorn
3 sheep (subspecies *Ovis canadensis nelsoni*).

4 (b) (1) After the plans developed by the department pursuant
5 to Section 4901 for the management units have been submitted,
6 the commission may authorize sport hunting of mature Nelson
7 bighorn rams. Before authorizing the sport hunting, the commission
8 shall take into account the Nelson bighorn sheep population
9 statewide, including the population in the management units
10 designated for hunting.

11 (2) Notwithstanding Section 219, the commission shall not,
12 however, adopt regulations authorizing the sport hunting in a single
13 year of more than 15 percent of the mature Nelson bighorn rams
14 in a single management unit, based on the department's annual
15 estimate of the population in each management unit.

16 (c) The fee for a tag to take a Nelson bighorn ram may be
17 determined by the commission, but shall not exceed five hundred
18 dollars (\$500). Fee revenues shall be deposited in the Big Game
19 Management Account established in Section 3953.

20 (d) The commission shall annually direct the department to
21 authorize not more than three of the tags available for issuance
22 that year to take Nelson bighorn rams for the purpose of raising
23 funds for programs and projects to benefit Nelson bighorn sheep.
24 These tags may be sold to residents or nonresidents of the State
25 of California at auction or by another method and shall not be
26 subject to the fee limitation prescribed in subdivision (c).
27 Commencing with tags sold for the 1993 hunting season, if more
28 than one tag is authorized, the department shall designate a
29 nonprofit organization organized pursuant to the laws of this state,
30 or the California chapter of a nonprofit organization organized
31 pursuant to the laws of another state, as the seller of not less than
32 one of these tags. The number of tags authorized for the purpose
33 of raising funds pursuant to this subdivision, if more than one,
34 shall not exceed 15 percent of the total number of tags authorized
35 pursuant to subdivision (b). All revenue from the sale of tags
36 pursuant to this subdivision shall be deposited in the Big Game
37 Management Account established in Section 3953.

38 (e) No tag issued pursuant to this section shall be valid unless
39 and until the licensee has successfully completed a prehunt hunter
40 familiarization and orientation and has demonstrated to the

1 department that he or she is familiar with the requisite equipment
2 for participating in the hunting of Nelson bighorn rams, as
3 determined by the commission. The orientation shall be conducted
4 by the department at convenient locations and times preceding
5 each season, as determined by the commission.

6 ~~SEC. 17.~~

7 *SEC. 16.* Section 4903 of the Fish and Game Code is amended
8 to read:

9 4903. Revenue from the fees authorized by this chapter shall
10 be deposited in the Big Game Management Account established
11 in Section 3953 and shall be expended ~~solely~~ for purposes of the
12 bighorn sheep program. Administrative overhead shall be limited
13 to the reasonable costs associated with the direct administration
14 of the program. These funds shall be used to augment, and not to
15 replace, moneys appropriated from existing funds available to the
16 department for the preservation, restoration, utilization, and
17 management of bighorn sheep. The department shall maintain
18 internal accountability necessary to ensure that all restrictions on
19 the expenditure of these funds are met.